

House Bill 43

By: Representatives Mitchell of the 88th and Jordan of the 77th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 43 of Title 43 of the Official Code of Georgia Annotated, relating to scrap metal processors, so as to require that the identity of nonlicensed sellers of scrap metal be verified by photo identification; to provide for definitions; to provide for penalties; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 43 of Title 43 of the Official Code of Georgia Annotated, relating to scrap metal processors, is amended by revising Code Section 43-43-1, relating to definitions pertaining to scrap metal processors, so as to renumber paragraphs (2) and (3) as paragraphs (3) and (4) and add a new paragraph (2) as follows:

"(2) 'Scrap metal' means a manufactured item that consists of or contains metal; metal removed from or obtained by cutting, demolishing, or disassembling a building, structure, or manufactured item; or other metal that is no longer used for its original purpose and that can be processed for reuse in a manufacturing facility."

SECTION 2.

Said chapter is further amended by revising Code Section 43-43-2, relating to maintenance of records by scrap metal processors, contents, and terms, as follows:

"43-43-2.

(a) Every scrap metal processor shall maintain records which shall contain in legible English the following information:

(1) For all purchases of vehicles or scrap vehicles from licensed sellers:

(A) The date of purchase;

(B) The name of the seller;

(C) A general description of the purchase;

(D) The number of scrap vehicles purchased;

(E) The vehicle identification number of vehicles which are not scrap vehicles, if available; or, if not available, a notation of the make and year of such vehicles; and

(F) The amount paid for the purchase; and

(2) For all purchases of vehicles or scrap vehicles from nonresident sellers or sellers who are not licensed:

(A) The date of purchase;

(B) The name and address of the seller;

(C) The name and motor vehicle operator's license number of the driver delivering the material;

(D) A general description of the purchase;

(E) The number of scrap vehicles purchased;

(F) The vehicle identification number, if available, of vehicles purchased which are not scrap vehicles; or, if not available, a notation of the make and year of such vehicles; and

(G) The amount paid for the purchase.

(b) For all purchases of any scrap metal from a nonlicensed seller every scrap metal processor shall:

(1) Obtain and photocopy a state or federal government issued photographic identification card of the seller which photocopy shall be maintained as provided in this Code section. No purchase of any scrap metal shall be made by a scrap metal processor unless the seller has a government issued photographic identification card as required by this paragraph;

(2) Be prohibited from purchasing any scrap metal from an individual who is less than 18 years of age; and

(3) In addition to any other information required by this Code section, make a record of the seller's full name, current address, date of birth, vehicle license tag number of the vehicle or vehicles making delivery of the scrap metal, and a general description of the purchase.

~~(b)~~(c) The records required by this Code section shall be maintained for a period of not less than two years.

~~(c)~~(d) The records required by this Code section shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business."

SECTION 3.

Said chapter is further amended by revising Code Section 43-43-5, relating to penalties for scrap metal processors and their agents, as follows:

"43-43-5.

Any scrap metal processor or his or her agent who:

(1) Fails to make an entry of any material matter in his or her records;

(2) Makes any false entry therein;

(3) Falsifies, obliterates, destroys, or removes from his or her place of business such records;

(4) Refuses to allow any duly authorized law enforcement officer to inspect such records or any vehicles or scrap vehicles in his or her possession during the ordinary hours of business; ~~or~~

(5) Fails to maintain the records required by Code Section 43-43-2 for at least two years;

or

(6) Fails to follow any requirements of this chapter

shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00; provided, however, that a second or subsequent conviction of a violation of this chapter shall be punished by a fine not to exceed \$10,000.00."

SECTION 4.

This Act shall become effective on July 1, 2009, and shall apply to all offenses committed on or after such date.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.